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The Gazette of India

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

The following Bills were introduced in Lok Sabha on 21.3.97.

BILL No. 111 OF 1996

A Bill to provide for the right to trace one's lineage from the side of one's mother.

BE it enacted by Parliament in the Forty-Seventh Year of the Republic of India as follows:—

1. This Act may be called the Mother's Lineage Act, 1996. Short title

2. Notwithstanding anything contained in any other law for the time being in force throughout the territory of India, it shall be unlawful for any Government, authority or person, to compel any other person who is a citizen of India to fill and sign any form, statutory or non-statutory, official or non-official, which provides for establishing a person's lineage only through his or her father or to prohibit him or her to write his or her mother's name instead. Establishment of lineage.

Right to refuse to fill forms in certain cases.

3. After the coming into force of this Act, it shall be lawful for any citizen of India to refuse to fill a form requiring him or her to give his or her father's name or her husband's name and which does not give him or her the option to give the name of his or her mother.

Misdemeanour under the Act.

4. It shall be a grave misdemeanour under this Act for any person to describe any citizen of India as "bastard".

Penalties.

5. (*1*) Whosoever compels any citizen of India to act in a manner contrary to the provisions of sections 2 and 3 of this Act or discriminates against any citizen on the ground of the citizen's refusal to act in a manner which is against the provisions of these sections, shall be punishable with rigorous imprisonment for a term which may extend to one month and fine of five hundred rupees or one month's imprisonment in lieu thereof.

(*2*) The misdemeanour mentioned in section 4 shall be punishable with rigorous imprisonment for a term which may extend to one year and a fine of five hundred rupees or one month's imprisonment in lieu thereof.

STATEMENT OF OBJECTS AND REASONS

The seven revolutions that are currently moulding the destiny of mankind are inter-related revolutions. Important among these revolutions is the transformation of the man-woman relationship and the establishment of equality between the two sexes. In order to make the man-woman equality a reality, the human mind will have to liberate itself from many obsolete concepts which are associated with the possessive, property-conscious, male-dominated society.

The concept of "illegitimacy" and the practice of tracing one's lineage solely from the father's side is one such reactionary and fossilised concept. The reactionary attitudes, which form the unspelt basis of the present official and non-official practices, and decisions of the courts will have to be discarded completely if the egalitarian principles of the Constitution are to conform and elevate our social life.

In India, there has been going on for the last three thousand years a conflict between the liberal attitude on the one hand and the orthodox standpoint on the other. The story of the sage Jabali is well known. This "illegitimate" son of his mother when questioned about the identity of his father pleaded ignorance, went to his mother and when informed that she could not say definitely who his father was, came back and gave a truthful account of what his mother had told him. For his fearless and truthful utterance the people of ancient India not only honoured him but canonised him as a sage. The present reactionary attitudes, therefore, are contrary to the liberal spirit to which the legend of Jabali bears witness.

The life of thousands of people and their mothers is being made miserable because of the fossilised attitudes that prevail in our society today. This Bill seeks to remove the stigma of "illegitimacy" from those thousands of unfortunate people, "illegitimate" sons and daughters of their mothers, who are being persecuted by society for no fault of theirs.

NEW DELHI;
November 6, 1996.

SUMITRA MAHAJAN

BILL NO. 29 OF 1997

A Bill to provide for the facilities of telephone and post and telegraph office in all the villages of the country.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title and commencement

1. *(1)* This Act may be called the Provision of Communication Facilities in every village Act, 1997.

(2) It shall come into force at once.

Definition.

2. In this Act, unless the context otherwise requires, the words and expressions used but not defined in this Act and defined in the Indian Post Office Act, 1898 and the Indian Telegraph Act, 1885 shall have the meanings, respectively, assigned to them in those Acts. 6 of 1898 13 of 1885

3. The Central Government shall provide in every village throughout the country the following facilities, namely:— Provision of communication facilities in villages.

(*i*) **a post and telegraph office; and**

(*ii*) **a public telephone connection with STD facility under the control of head of the Village Panchayat.**

4. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

In India, eighty-five per cent. of the people live in villages. There are number of villages in remote areas inhabited by tribals and backward classes. For the last 50 years of our independence, no development work has been done at such places. There are no postal facilities available in these areas. There are no telephones and virtually the villages have no communication links with the rest of the country. It takes months together for a letter to reach villages. Most of the villagers come to the cities for work and remain cut off from their families due to non-availability of modern means of communication in their native villages. The postal, telephone and other communication facilities have thus become a must for every village. The villagers can keep their money in the post offices saving bank accounts and thereby a lot of money will be available to the Government for development works. The introduction of modern means of communication in every village will be the first step towards taking the boon of modern science to the doorsteps of rural India.

Hence this Bill.

NEW DELHI;
February 4, 1997.

T. SUBBARAMI REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that every village in the country shall be provided with the facilities for telephone, telegraph and post office by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of about rupees two hundred crore per month will be involved as a recurring expenditure out of the Consolidated Fund of India.

A sum of rupees fifty lakh will also be involved as a non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 24 OF 1997

A Bill to provide for a comprehensive policy for the development of the youth in the country.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Youth Welfare Act, 1997.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) 'appropriate Government' means in the case of a State, the State Government and in the case of a Union territory, the Union Government;

(*b*) 'Youth' means all persons between twelve and thirty years of age; and

(*c*) 'Youth Organisation' means an organisation of youth which provides for universal membership, without any discrimination on the basis of race, religion, language, caste, creed or sex and the constitution of which provides for its democratic functioning in respective States or Union territories, as the case may be.

Compulsory and free educational facilities.

3. The appropriate Government shall provide to the youth—

(*a*) compulsory and free education including technical education;

(*b*) materials like books, stationery, uniform, etc. free of cost;

(*c*) free hostel facilities;

(*d*) scholarships to deserving students;

(*e*) free transport facilities;

(*f*) pocket allowance at the rate of rupees one hundred to rupees one hundred fifty per month according to the age of the youth, as may be prescribed; and

(*g*) free access to all libraries and technical institutions.

Sports facilities to the youth.

4. The appropriate Government shall provide,—

(*a*) training in sports to every youth and facilities for participation in sports activities both inside and outside the country;

(*b*) representation to youth organisations in sports associations; and

(*c*) for the welfare of youth, who represent the country in sports, throughout his life time.

Provision of nutritious meals in schools, etc.

5. The appropriate Government shall provide nutritious meals free of cost to all the students in schools, colleges, universities, hostels and technical institutions.

Medical care to the youth.

6. The appropriate Government shall provide medical and health care to the youth free of cost.

Training of the youth in trade, vocation, etc.

7. The appropriate Government shall evolve a scheme under which youth shall be provided training in modern apprenticeship trades, vocations, etc. in factories and vocational institutions.

Appointment of expert Committees.

8. The appropriate Government shall appoint expert Committees in every district consisting of eminent educationists, psychologists to recommend the type of education or training in any vocation that is to be imparted to a youth of the district after he or she has passed the tenth class examination.

Military training to the youth

9. The Central Government shall provide military training to all the able bodied youth and those who successfully complete the training shall be given preference in employment in defence services.

Provision of employment.

10. The appropriate Government shall provide employment to the youth after their education/training or unemployment allowance, as may be fixed, by the Central Government, in lieu thereof, till they are provided employment.

Power to make rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Even after four decades of independence, no clear-cut youth policy has been laid down in our country so far. The education should be the right of the youth and not a privilege of a few and employment should be guaranteed to them. The youth should be linked directly with the production process. The disparities between the rural and urban youth should be eliminated gradually. The youth today is also facing serious health problems, absolute inadequacy in sports and cultural facilities. The youth belonging to Scheduled Castes, Scheduled Tribes and other backward classes are still reeling under poverty. There is no proper planning for comprehensive development of the youth and proper utilisation of their energies and education. A comprehensive youth policy for their allround development is, therefore, absolutely necessary.

Hence this Bill.

NEW DELHI;
February 4, 1997.

T. SUBBARAMI REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall provide compulsory and free education and also supply materials like books, stationery, uniform, etc., free of cost and pocket allowance to all the youth. It also provides for free hostel and transport facilities and scholarships to youth. Clause 4 provides that the appropriate Government shall provide facilities to youth for their participation in sports activities. Clause 5 provides that the appropriate Government shall provide nutritious diet free of cost to all the students in schools, colleges, universities and hostels. Clause 6 provides for medical and health care to all the youth by the appropriate Government. Clause 7 provides that the appropriate Government shall evolve a scheme under which the youth will be given training in factories and vocational institutions. Clause 8 provides for appointment of expert Committees to recommend the type of education that is to be imparted to the youth. Clause 9 provides for military training to physically fit youth. Clause 10 provides that the appropriate Government shall be responsible for providing employment to all the youth or unemployment allowance, as may be prescribed, till they are provided with employment.

The Bill, if enacted, would involve expenditure from the Consolidated Fund of India in respect of the Union Territories. The State Government will incur the expenditure from their respective Consolidated Funds in respect of their States supplemented by assistance from the Central Government. An annual recurring expenditure of about rupees two hundred and fifty crore is likely to be incurred.

A non-recurring expenditure of about rupees four crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL NO. 42 OF 1997

A Bill to provide for the protection and welfare of cotton growers.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Cotton Growers (Benefit) Act, 1997.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "cotton grower" means any person who cultivates cotton;

(*b*) "small and marginal cotton growers" shall mean cotton growers who are declared as such under this Act, and

(*c*) "prescribed" means prescribed by rules made under this Act.

Central Government to procure cotton and fix remunerative price thereof.

3. The Central Government shall procure through the Cotton Corporation of India all the cotton produced in the country and shall also fix remunerative price of cotton every year after taking into consideration the increase in prices of cotton seeds, pesticides and fertilizers, total investment capacity of cotton growers and such other factors, as may be prescribed.

Export of excess cotton.

4. The Central Government shall endeavour to export all the excess cotton produced in the country during a year.

Insurance.

5. The entire cotton grown by the small and marginal cotton growers shall be compulsorily insured free of cost by the Central Government against natural calamities, decline in yields of cotton produced, fall in prices of cotton and such other eventualities, as may be prescribed.

Establishment of Cotton Growers Benefit Fund.

6. (*1*) **The Central Government shall establish a Fund to be known as the Cotton Growers Benefit Fund.**

(*2*) **The Central Government and State Governments shall contribute to the Fund in such ratio, as may be prescribed.**

(*3*) The Fund shall be utilized for the following purposes:—

(*a*) to extend financial help to the small and marginal farmers in such cases, as may be prescribed;

(*b*) giving financial assistance to cotton growers for purchasing cotton seeds, pesticides and fertilizers and in cases of low yields or fall in prices of cotton or destruction of their crops due to rains, cyclones and floods.

Power to make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The market fluctuations, nature's fury and Government's neglect have driven the cotton growers into a crisis. Declining yields and falling prices are making the lives of the poor farmers miserable. The agony that gripped the cotton growers in Prakasham district of Andhra Pradesh had even caused suicides in 1987. Andhra Pradesh is one of the three major cotton producing States alongwith Gujarat and Maharashtra. Cotton is mainly produced in Guntur, Prakasham, Kurnool, Mahabub Nagar, Warangal and Adilabad districts of Andhra Pradesh. The costs of cotton inputs have shot up increasing the total capital investment of the farmers. The peasant organisations are demanding remunerative prices of cotton for cotton growers. But instead of getting remunerative prices, the cotton growers have to face shocking experiances as prices in different markets in the State have generally declined by 20 per cent as compared to the previous year.

The main reason behind the cotton growers getting non-remunerative prices is availability of excess stock of cotton in the market. There is, therefore, an urgent need to bring a law assuring the cotton growers of Government's help in the event of excess production or fall in prices and also to ensure that their minimum needs are looked after by the Government. The creation of a fund and a provision of insurance cover for cotton growers will help them immensely.

Hence this Bill.

NEW DELHI;
February 6, 1997

R. SAMBASIVA RAO

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the purchase of cotton from cotton growers by the Central Government through the Cotton Corporation of India. Clause 5 provides that the entire cotton grown by small and marginal cotton growers shall be compulsorily insured free of cost by the Central Government against natural calamities, etc. Clause 6 provides for the establishment of a Cotton Growers Benefit Fund to which the Central Government and State Governments shall contribute in such ratio, as may be prescribed. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees two hundred crore per annum.

A non-recurring expenditure to the tune of rupees three hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

BILL No. 28 OF 1997

A Bill further to amend the constitution of India

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1997.

Amendment of article 324.

2. In article 324 of the Constitution, in clause (2), after the words "be made by the President", the words "on the recommendations of a committee consisting of the Prime Minister, the Chief Justice of India, the Chairman of the Council of States, the Speaker of the House of the People, the Leader of Opposition in the Council of States and the Leader of Opposition in the House of the People" shall be added.

STATEMENT OF OBJECTS AND REASONS

The last three to four years have witnessed criticism of the office of the Chief Election Commissioner on grounds of some arbitrary decisions taken by the Chief Election Commissioner which were not even welcomed by the Government. On many occasions, confusion and conflict surfaced between the Election Commission and the Government on various issues involving elections. The matter subsided only after it was taken before the Supreme Court. Further, on many occasions stand taken by the Chief Election Commissioner was in conflict with the views expressed by the two other Election Commissioners. The Election Commission was subject of heated debate before the media and people.

In order to ensure that such situation should not recur in future and Election Commission functions in a proper manner, it is necessary that the Chief Election Commissioner and other Election Commissioners be appointed by the President on the recommendations of a committee comprising the Prime Minister, the Chief Justice of India, the Chairman of the Council of States, the Speaker of the House of the People, the Leader of Opposition in the Council of States and the Leader of Opposition in the House of the People.

The Bill seeks to achieve the above objective.

NEW DELHI;
February 6, 1997

R. SAMBASIVA RAO

BILL NO. 35 OF 1997

ARRANGEMENT OF CLAUSES

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APPENDIX-I

APPENDIX-II

BILL NO. 35 OF 1997

A Bill to provide for access to information to all citizens of the country and for matters connected therewith.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Access to Information Act, 1997.

(2) It extends to whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government, may, by notification, appoint; and different dates may be appointed for different States, and for different chapters of the Act. However, Chapter II shall come into force immediately while the other chapters of the Act shall come into force within the one year of enactment, or if so extended, within two years from the date of enactment.

Definitions.

2. In this Act, unless the context otherwise requires,

(*a*) "Chief Information Commissioner" means, Chief Information Commissioner appointed under section 35 of Chapter VII of this Act;

(*b*) "commercial information" of a person's business includes a formula, pattern, compilation, programme, device, product, method, technique or process that—

(*i*) is used or may be used in business or any commercial advantage;

(*ii*) derives independent economic value, actual or potential, from persons who can obtain economic value from its disclosure or use;

(*iii*) is the subject of reasonable efforts to prevent it from becoming generally known;

(*iv*) the disclosure of which would result in harm or improper benefit to any other person;

(*c*) "complainant" means—

(*i*) a requester, or

(*ii*) any person acting for and on behalf of requester, or

(*iii*) a third party, or

(*iv*) any voluntary public interest group registered under any law for the time being in force, or

(*v*) one or more requesters, where there are numerous requesters having the same interest;

Explanation: Voluntary public interest group referred in sub-clause (iv) above has independent *locus standi* on a complainant to file a complaint on behalf of one or more requesters whether or not a requester is a party to the complaints;

(*d*) "complaint" means any allegation in writing made by a complainant that—

(*i*) where he is a requester, access to record has been wrongfully denied to him by a public body;

(*ii*) where he is a requester, access to and/or correction of his personal information has been wrongfully denied to him by a public body having the custody or control of the record;

(*iii*) where he is a third party, personal information or commercial information about himself/itself has been or will be wrongfully disclosed to a requester by a public body having custody or control of such information;

(*iv*) where he is a requester, the information requested by him has been unduly delayed by a public body;

(*v*) where he is a requester, the public body has charged unreasonable fees for giving the information or has not waived the fees in accordance with the provisions of this Act;

(*e*) "employee" in relation to a public body is a person retained under contract of employment to render services to the public body whether permanently or temporarily;

(*f*) "environment" includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organisms and property;

(*g*) "hazardous substance" includes any substance or preparation which by reason of its chemical or physiochemical properties or handling is liable to cause harm to

human beings, other living creatures, plants, micro-organisms, property or the environment;

(*h*) "hospital" includes a nursing home, clinic, medical centre, medical or teaching institution for therapeutic purposes and other like institutions;

(*i*) "industry" means any building, plant, factory or structure wherein hazardous substance, including those notified by Government (Central or State) is produced, transported, processed, stored, or handled and includes any operation or processes whether inside a building, plant, factory or structure or otherwise;

(*j*) "Information Commissioner" means an Information Commissioner appointed under section 41;

(*k*) "law enforcement" includes

(*i*) policing, including intelligence operations;

(*ii*) investigations that lead or could lead to the imposition of a penalty or sanction; and

(*iii*) proceedings that lead or could lead to the imposition of a penalty or sanction;

(*l*) "member" includes the Chairman, Vice-Chairman and other members of the Tribunal;

(*m*) "offence" means an act or ommission made punishable by any law for the time being in force in India.

(*n*) "person" includes—

(*i*) an individual;

1 of 1956. (*ii*) a company registered under the Companies Act, 1956;

(*iii*) a firm whether registered or not;

(*iv*) a Hindu undivided family;

(*v*) a co-operative society;

(*vi*) every other association or persons whether registered under the

21 of 1860. Societies Registration Act, 1860, or not;

(*o*) "personal information" means information about an identifiable individual, including

(*i*) the individual's name, home or business address or home or business telephone number;

(*ii*) the individual's race, caste, tribe, religious beliefs, gender, age, ancestry or place of origin;

(*iii*) an identifying number, symbol or other particulars assigned to the individual;

(*iv*) the individual's fingerprints, blood type or inheritable characteristics;

(*v*) information about the individual's health and health case history, including information about a physical or mental disability, as well as medical and hospital records;

(*vi*) information about the individual's educational, financial, criminal or employment history;

(*vii*) the individual's personal opinions, except if they are about someone else;

(*p*) "prescribed" means prescribed by the rules made under this Act;

(*q*) "public body" includes-

(*i*) Houses of Parliament, Committees constituted by the Parliament;

(*ii*) Central Government, any ministry, department or office or agencies of that Government;

(*iii*) State Legislature, Committees constituted by the Legislature;

(*iv*) State Government, any ministry, department or office or agencies of that Government;

(*v*) Union territory Administration, any department or office of that Administration;

(*vi*) Statutory bodies or incorporated company, whether wholly or partly controlled or financed by Central or State Government or Union territory Administration;

(*vii*) local authorities and their agencies;

(*viii*) Courts and Tribunals;

(*ix*) Constitutional authorities;

(*x*) Commissions of Enquiry under the Commission of Enquiry Act or otherwise;

(*xi*) any other body which provides public services such as but not limited to energy, transport, communications, banking, insurance, finance, health, medical, and the like;

(*r*) "public interest group" means group of individuals working for protection and promotion of interest of disadvantaged groups of people such as but not limited backward classes, handicapped persons, women, children or the elderly persons and includes public interest groups working for consumer and environment protection, human rights and civil liberties.

(*s*) "record" means information recorded in any form, whether printed or in writing or on tape or film or by electronic means or otherwise and includes any document, map, diagram, photograph, microjig, microfilm, videotape, sound recording or machine readable record or any record which is capable of being produced from machine, readable records by means of equipment or a programme (or a combination of both) which is used for that purpose by the public body which holds records.

Explanation I: for the purpose of this Act, any order, proceedings, opinions, documents, files, notices, correspondence, reports, minutes, resolutions, manuals, debates of voting records of Houses of Parliament, State Legislative Assemblies, Local Self Government, Municipal Corporation, Union territory Administration including increasing legislative enactments, subordinate legislation such as rules, regulations, notifications, bye-laws are deemed to be record under section 2(s) of this Act.

Explanation II: Record includes public record and a part of a record.

(*t*) "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, infecting, escaping, leaching, dumping, boring, drilling or disposing into the environment of any hazardous substances;

(*u*) "requester" means any person who has the right to information under this Act and has made such a request under Section 10;

(*v*) "State Information Tribunal" means the Tribunal established under section 57 of the Act;

(*w*) "third party" means a person whose personal or commercial record is sought by the requester from a public body; and

(*x*) "welfare scheme" is any scheme introduced by a public body which concerns the welfare or well-being, or growth or development and affects the interest of public in the whole of India or a part thereof.

Act to have overriding effect.

3. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

Access to information not to be denied.

4. Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, no requester shall be denied access to any record other than exceptions as provided in Chapter IV of this Act.

CHAPTER II

PUBLICATION AND AVAILABILITY OF RECORDS

Maintenance and indexing of records.

5. Subject to the provisions of this Act and in accordance with the rules that may be prescribed, each public body shall ensure that all records covered under section 2(s) of this act for public access to information are properly maintained, catalogued, indexed and preserved without destroying, deleting, obscuring or otherwise tampering with any information contained in them and update them regularly and from time to time:

Provided that each public body shall maintain a directory of records available with it so as to provide all persons as regards the nature of records available with it.

Publication and availability of records.

6. (*1*) The Acts, and subordinate legislation such as ordinance, notifications, rules and regulations, bye-laws, orders having the force of law in the territory of India shall be published by the Central Government, State Government or Union territory Administration and made available at a reasonable price at adequate number of outlets as provided in Appendix I.

(2) The welfare schemes, guidelines, directives, circulars, resolutions of Central Government, State Government and Union territory Administration shall be published and made available at reasonable price at adequate number of outlets as provided in Appendix II.

(*3*) Notwithstanding anything provided in Copy Right Act, 1957, publication under sub-sections (1) and (2) will not contravene the Copy Right Act, 1957 and provisions of any other law for the time being in force whether it is a priced publication or not.

(*4*) The welfare schemes of Central Government, State Government and Union territory Administration shall be publicised through print and electronic media.

Computerisation of records.

7. Each public body shall ensure with reasonable despatch that all records are computerised and connected through an effective network all over the country on different systems so that authorised access to such records is facilitated.

CHAPTER III

ACCESS TO INFORMATION

Duty to assist requesters.

8. (*1*) A public body shall take responsible steps to assist any person who:

(*a*) wishes to make a request to it under Section 10.

(*b*) has made a request to it which does not comply with the requirements of that Section.

(*c*) wishes to make a request for access to and/or correction of personal records under Section 16.

(*2*) A public body shall take reasonable steps to assist any person in the exercise of any other right under this Act.

body, the concerned public body shall, if the requester so requests, take reasonible steps to make the information contained in the record available to the requester in a form in which it is capable of being read, viewed or heard by the requester.

(*6*) Where information is made available to a requester in accordance with the provisions of sub-section (*5*), the requester shall not be required to pay a fee under the provisions of Section 15, which is greater than the fee which the requester would otherwise have been required to pay.

(*7*) (*a*) Where a record is made available under this Act to any person for inspection, hearing or viewing, that person may make copies of, or record extracts from the record using equipment which he has brought with him for that purpose provided that to do so does not interfere unreasonably with the work of the public body, provided that it shall be for the concerned public body to establish that such recording by the requester will interfere unreasonably with its work.

(*b*) Where a record is required by this Act to be supplied to any person, it shall, on request of that person, be supplied by post to that person.

Fees.

15. (*1*) No fees may be charged by a public body for giving a record under the Act except—

(*a*) Where the requester is supplied with copies of a record, such reasonable fees as may be prescribed by rules:

Provided that such fees may be waived, wholly or in part, where the requester is a public interest group, a journalist, or a newspaper and the request is not for any commercial purpose.

(*b*) Where, in accordance with the provisions of clause (*c*) the requester is supplied with a copy of a record other than in printed or written form, then a fee not exceeding the cost of any blank tape, disc, film or other material on to which the record has been copied may be charged, not exceeding in any case the fees which the requester would have been required to pay had the record been given in a printed or written form.

(*c*) Where, in accordance with sub-section (*2*) of section 14 the requester is supplied with a transcript of a record, no fees may be charged to cover the costs of making the transcripts but only such fees shall be payable as would have been payable by the requester, had the records been in a printed or written form.

(*d*) Where any of the foregoing are supplied by post then the costs of postage may also be charged.

Access to and correction of personal records.

16. (*1*) A public body shall, on request, provide a requester with personal information about the requester himself, which may be in the custody, or under the control, of such a public body.

(*2*) Where a record (whether or not it is one to which access has been under the Act) contains information, relating to any person, which is inaccurate, the public body which holds the record shall, on the request of that person, correct the information.

(*3*) A request under the sub-section (*2*) shall be made in writing to the public body which holds the record and shall—

(*a*) identify the record which contains the information which the requester regards as inaccurate;

(*b*) specify the respect in which the requester regards the information as inaccurate; and

(*c*) specify by which of the means described in sub-section (*8*), the requester wishes the correction to be made.

(*w*) "third party" means a person whose personal or commercial record is sought by the requester from a public body; and

(*x*) "welfare scheme" is any scheme introduced by a public body which concerns the welfare or well-being, or growth or development and affects the interest of public in the whole of India or a part thereof.

Act to have overriding effect.

3. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

Access to information not to be denied.

4. Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, no requester shall be denied access to any record other than exceptions as provided in Chapter IV of this Act.

CHAPTER II

PUBLICATION AND AVAILABILITY OF RECORDS

Maintenance and indexing of records.

5. Subject to the provisions of this Act and in accordance with the rules that may be prescribed, each public body shall ensure that all records covered under section 2(s) of this act for public access to information are properly maintained, catalogued, indexed and preserved without destroying, deleting, obscuring or otherwise tampering with any information contained in them and update them regularly and from time to time:

Provided that each public body shall maintain a directory of records available with it so as to provide all persons as regards the nature of records available with it.

Publication and availability of records.

6. (*1*) The Acts, and subordinate legislation such as ordinance, notifications, rules and regulations, bye-laws, orders having the force of law in the territory of India shall be published by the Central Government, State Government or Union territory Administration and made available at a reasonable price at adequate number of outlets as provided in Appendix I.

(2) The welfare schemes, guidelines, directives, circulars, resolutions of Central Government, State Government and Union territory Administration shall be published and made available at reasonable price at adequate number of outlets as provided in Appendix II.

(*3*) Notwithstanding anything provided in Copy Right Act, 1957, publication under sub-sections (1) and (2) will not contravene the Copy Right Act, 1957 and provisions of any other law for the time being in force whether it is a priced publication or not.

(*4*) The welfare schemes of Central Government, State Government and Union territory Administration shall be publicised through print and electronic media.

Computerisation of records.

7. Each public body shall ensure with reasonable despatch that all records are computerised and connected through an effective network all over the country on different systems so that authorised access to such records is facilitated.

CHAPTER III

ACCESS TO INFORMATION

Duty to assist requesters.

8. (*1*) A public body shall take responsible steps to assist any person who:

(*a*) wishes to make a request to it under Section 10.

(*b*) has made a request to it which does not comply with the requirements of that Section.

(*c*) wishes to make a request for access to and/or correction of personal records under Section 16.

(*2*) A public body shall take reasonable steps to assist any person in the exercise of any other right under this Act.

(3) A public body shall designate a person as officer to whom request is to be made.

To whom the right extends.

9. This right extends to every person, not being an alien enemy.

How to make a request.

10. (*1*) A request for access to a record under the Act shall be made in writing to the public body that the requester believes has custody or control of the record and shall provide sufficient details to enable an employee of the public body to identify the record with a reasonable effort.

(*2*) A request under this Act for access to a record must specify in which of the forms described in section 14 the requester wishes to be given access:

Provided that if the requester so desires, the public body shall furnish forms of request in English and regional language to facilitate access.

Transfer of request.

11. (*1*) Within five days after a request for access to a record is received by a public body and if that public body does not have the particular record, such a public body may transfer the request to appropriate public body under whose control the particular record is available, after giving written communication of the transfer to the requester, and the public body to whom the request has been so transferred shall respond within the time-limit specified in section 12(3).

(2) Where a public body receives a request under Section 10 for access to a record which it holds but which was created by another public body and is more closely related to the work of that other public body, it may, if such other public body so agrees, transfer the request to the concerned public body, within five days of the receipt of the request.

(*3*) Where a request is transferred to another public body in accordance with sub-section (*2*), it shall be deemed to be a request made to such other public body and the public body to whom the request has been so transferred shall respond within the time-limit specified in section 12(*3*).

(*4*) Where a request to a public body is made for access to records,

(*a*) some of which are held by that public body, and

(*b*) others of which are records, which, are required to, or may, be transferred to another public body under sub-sections (1) or (2), the request may be transferred only in respect of records which relate to the work of such other public body.

Responding to request for information.

12. (*1*) Where access to a record is requested under this Act, the public body to whom the request is made, shall, subject to the provisions of this Act, within the period specified in sub-section (*3*), give written notice to the person who made the request as to whether or not access to the record will be given; and

(*a*) if access is to be given, give the requester access to the record, or

(*b*) If access is not given, the provision of this Act under which access is refused should be mentioned in the notice:

Provided that, where the requester is a public interest group, journalist or a newspaper, such period shall be reduced to three days.

(*2*) Where a public body fails to give access to a record in response to a request under this Act within the time-limit specified under the provisions of sub-section(3), it shall be deemed to have refused to give access without reasons.

(*3*) For the purpose of sub-section (*1*) and (*2*) the specified period.

(*a*) In any case where notice is not required to be given under the provisions of section 27, is ten days from the day on which the request was received by the public body; and

(*b*) in any case where notice is required to be given under section 27, is fifteen days from the day on which the request was received by the public body.

Extension of time-limit for responding to request.

13. A public body may extend the time-limit for responding to a request, only in case of extraordinary and exceptional circumstances to be determined by the facts of the case, not exceeding in any event an extension by a period of seven days, after giving reasons in writing to the requester.

Form in which access is to be given.

14. (*1*) Where a record to which access is required to be given under the provisions of this Act is held by a public body in printed or written form, the public body shall give access to it by supplying a copy of it to the requester or, if the requester so requests, making it available to the requester for inspection.

(*2*) Where a record to which access is required to be given under the provisions of this Act is held by a public body other than in printed or written form, the public body shall, if the requester so requests, give access to it by supplying a copy of it to the requester, or

(*a*) in the case of a record from which visual images or printed representations of those images are capable of being produced by means of equipment which is ordinarily available to the public body, by making arrangements for the requester to view those images, if the requester so requests, be supplied with copies or representations of them;

(*b*) in the case of a record in which words or information are recorded in a manner in which they are capable of being reproduced in the form of sound by equipment which is ordinarily available to the public body,

(*i*) by making arrangements for the requester to hear those sounds, or, if the requester so requests,

(*ii*) where the public body is capable of producing a printed or written transcript of those sounds by the use of equipment which is ordinarily available to it, by supplying such a transcript to the requester;

(*c*) in the case of a record which is held on a computer, or in electronic or machine readable form, and from, which the public body is capable of producing a printed copy of the record or part of it, or of information derived from it—

(*i*) by the use of equipment which is ordinarily available to it; or

(*ii*) by processing the data in the record by use of a programme which is ordinarily available to it; or

(*iii*) both, by supplying such a copy to the requester, if the requester so requests.

(*3*) If a requester has, in accordance with the provisions of sub-section (*2*), specified the manner in which the requester wishes to be given access to a record, the public body shall give access in that manner unless to do so would interfere unreasonably with the work of the public body, in which case access shall be given in another manner, provided that, it shall be for the public body to establish that giving access to a record in the form requested would interfere unreasonably with its work.

(*4*) Where a requester has, in accordance with the provisions of sub-section (*2*), specified the manner in which the requester wishes to be given access and access has been given in some other manner, the requester shall not be required to pay a fee under section 15 in respect of the giving of the access that is greater than the fee that the requester would have been required to pay had access been given in the manner specified.

(*5*) Where a requester with a visual or auditory disability is prevented by that disability from reading, viewing or listening to a record in the form in which it is held by the public

body, the concerned public body shall, if the requester so requests, take responsible steps to make the information contained in the record available to the requester in a form in which it is capable of being read, viewed or heard by the requester.

(6) Where information is made available to a requester in accordance with the provisions of sub-section (5), the requester shall not be required to pay a fee under the provisions of Section 15, which is greater than the fee which the requester would otherwise have been required to pay.

(7) (a) Where a record is made available under this Act to any person for inspection, hearing or viewing, that person may make copies of, or record extracts from the record using equipment which he has brought with him for that purpose provided that to do so does not interfere unreasonably with the work of the public body, provided that it shall be for the concerned public body to establish that such recording by the requester will interfere unreasonably with its work.

(b) Where a record is required by this Act to be supplied to any person, it shall, on request of that person, be supplied by post to that person.

Fees.

15. (1) No fees may be charged by a public body for giving a record under the Act except—

(a) Where the requester is supplied with copies of a record, such reasonable fees as may be prescribed by rules:

Provided that such fees may be waived, wholly or in part, where the requester is a public interest group, a journalist, or a newspaper and the request is not for any commercial purpose.

(b) Where, in accordance with the provisions of clause (c) the requester is supplied with a copy of a record other than in printed or written form, then a fee not exceeding the cost of any blank tape, disc, film or other material on to which the record has been copied may be charged, not exceeding in any case the fees which the requester would have been required to pay had the record been given in a printed or written form.

(c) Where, in accordance with sub-section (2) of section 14 the requester is supplied with a transcript of a record, no fees may be charged to cover the costs of making the transcripts but only such fees shall be payable as would have been payable by the requester, had the records been in a printed or written form.

(d) Where any of the foregoing are supplied by post then the costs of postage may also be charged.

Access to and correction of personal records.

16. (1) A public body shall, on request, provide a requester with personal information about the requester himself, which may be in the custody, or under the control, of such a public body.

(2) Where a record (whether or not it is one to which access has been under the Act) contains information, relating to any person, which is inaccurate, the public body which holds the record shall, on the request of that person, correct the information.

(3) A request under the sub-section (2) shall be made in writing to the public body which holds the record and shall—

(a) identify the record which contains the information which the requester regards as inaccurate;

(b) specify the respect in which the requester regards the information as inaccurate; and

(c) specify by which of the means described in sub-section (8), the requester wishes the correction to be made.

(*4*) A public body to which a request under sub-section (*2*) is made, shall, without charge, and within 10 days of receiving the request, determine whether the information identified in the request is inaccurate and, if it so finds—

(*a*) correct the information and supply a copy of the part of the record containing the correction to the requester without charge;

(*b*) determine, so far as is practicable, whether the inaccurate information is held by it in any record other than that identified in the request and, if it is, make the same correction in such other record;

(*c*) determine, so far as is practicable, whether the information has been supplied by it to any other person and notify any such person of the correction which it has made; and

(*d*) supply to the requester without charge, a copy of every notification which it has made under clause (*c*).

(*5*) A person who has been notified under clause (*c*) of sub-section (4) that he or she has been supplied with inaccurate information, shall, within ten days of being so notified, correct that information, and inform the person to whom the information relates, in writing, that the correction has been made.

(*6*) Where a public body determines that information referred to, in request under the provisions of sub-section (*1*) is not inaccurate, it shall, without charge, and within ten days of receiving the request—

(*a*) make a note in the record as near as possible to the point where the information appears, that the accuracy of the information is disputed by the requester and attach the request to the record;

(*b*) supply a copy of the note to the requester without charge;

(*c*) notify the requester of the name and position of the person who had determined that the information is not inaccurate; and

(*d*) notify the requester of the procedure for applying for internal review of the decision in accordance with the provisions of section 28 and for making a complaint to the Information Commissioner in accordance with the provisions of section 43 of the Act.

(*7*) In this section, "inaccurate" means incorrect, incomplete, misleading or not relevant to the purpose for which the record is held.

(*8*) For the purposes of this section, information may be corrected by amending, supplementing or subject to the provisions of sub-section (*9*), by deleting it.

(*9*) A public body shall not delete information in response to a request under this section unless it has supplied to the Chief Information Commissioner a copy of the part of the record containing the information which it proposes to delete and any such copy shall be retained by the Chief Information Commissioner.

CHAPTER IV

EXEMPT INFORMATION

Information exempt from disclosure.

17. (*1*) Subject to the provisions of this Act, a public body shall not be required to disclose exempt information.

(*2*) A public body shall not refuse to give exempt information where this can be done by giving access to a copy of the record from which the exempt information has been deleted or by other means.

(*3*) Where a record is withheld in accordance with this section, the concerned public body shall, within the time-limit specified under the provisions of section 12 notify the

requester specifying—

(*a*) the provisions of this Act under which the withheld information is considered to be exempt;

(*b*) the reason why the provision is considered to be applied to the information;

(*c*) the name and position of the person responsible for the decision that the record contains exempt information;

(*d*) the procedure for requesting for internal review of the decision in accordance with section 28;

(*e*) the procedure for making a complaint to the Information Commissioner in accordance with section 43 of the Act.

(*4*) In the interpretation and enforcement of this chapter, the provisions shall be construed strictly in favour of the requester's right of access to information relating to affairs of the public body.

Categories of exempt information

Advice of Cabinet.

18. A public body may refuse to any requester information as to the aid and advice given by Council of Ministers at the Centre at the President and Council of Ministers at the States to the Governor.

Defence.

19. Information may be exempt if its disclosure would be likely to cause grave and significant damage to the defence of India or any of its States or territories.

Security.

20. Information may be exempt if its disclosure would be likely to cause grave and significant damage to the lawful activities of the security or intelligence services.

International relations.

21. (*1*) Information may be exempt if its disclosure would be likely to cause grave and significant damage to the interests of India in the conduct of international relations.

(*2*) In this Section, "international relations" means relations between the Government of India and—

(*a*) the Government of any other friendly foreign State; or

(*b*) an organisation of which only States are members.

Disclosure harmful to law enforcement.

22. Information may be exempt if its disclosure is likely to—

(*a*) result in the commission of an offence;

(*b*) harm the detection, prevention or suppression of law enforcement information in a grave and significant manner;

(*c*) reveal the identity of a confidential source of law enforcement information;

(*d*) facilitate an escape from legal custody;

(*e*) prejudice the fair trial of any person against whom proceedings have been brought;

(*f*) harm the security of any property or system, including a building, a vehicle, a computer system or a communications system in a grave and significant manner.

Privacy and personal information.

23. (*1*) Information is exempt if its disclosure under this Act would involve the invasion of the privacy of an identifiable individual (including a deceased individual) other than the requester.

(*2*) Information is not exempt under sub-section (*1*) if it relates to an individual who has consented to its disclosure to the requester.

(*3*) Information is not exempt under sub-section (*1*) if it relates to an individual who is deceased and—

(*a*) its disclosure is in the public interest insofar as it tends to indicate that the actions of, or failure to act by, a public body contributed to that individual's death; or

(*b*) the requester is, or is requesting with the consent of, the individual's next of kin:

Provided that clause (b) of the provisions of sub-section (3) shall not apply to information relating to the health of the individual which is contained in a record held by or on behalf of a registered medical practitioner who was responsible for the care of the individual unless the information is relevant to any claim which may arise out of the patient's death.

(*4*) Information is not exempt under sub-section (*1*) if it relates to an individual acting in that individual's capacity as an officer or employee of a public body except insofar as it consists of—

(*a*) a record relating to the health of the individual;

(*b*) information held by the public body for the purpose of personnel management.

Economic and commercial affairs.

24. (*1*) Information is exempt if and so long as its disclosure—

(*a*) would be likely to cause grave and significant damage to the economy as a result of the premature disclosure of the proposed introduction, abolition or variation of any tax, duty, interest rate, exchange rate or instrument of economic management;

(*b*) would be likely to cause significant damage to the financial interests of the public body by giving an unreasonable advantage to any person in relation to a contract which that person is seeking to enter into with the public body for the acquisition or disposal of property or the supply of goods or services, or

(*c*) by revealing information to a competitor of the public body, would be likely to cause significant damage to the lawful commercial activities of the public body.

(*2*) Information which has been complied by a public body for the purpose of negotiations with its employees or their representatives in relation to their pay or conditions of employment, is exempt if and so long as its disclosure would be likely to cause significant damage to the position to be adopted by the public body in those negotiations.

(*3*) Information is not exempt under sub-section (1)(c) if—

(*a*) it relates to the quality, suitability or safety of the goods or services supplied by the public body and the damage referred to in sub-section (1)(c) would be likely to result from the exercise of more informed choice by persons seeking to acquire those goods or services; or

(*b*) it consists of the results of any investigation carried out by, or any information supplied to, the public body, concerning a public safety hazard.

(*4*) For the purposes of sub-section (3)(b) —"public safety hazard" includes the hazard or potential hazard to the public associated with any product which is offered for sale or otherwise available to the public; or with any service provided by a public body; or with any substance which is released into the environment or work place or is present in food intended for human consumption, or with any form of public transport; or with any installation or manufacturing process or substance used therein, and "the public" includes persons in their place of work.

Third party interest.

25. (*1*) Information is exempt—

(*a*) if it relates to commercial information which has been obtained by the public body from a third party who has consistently treated it as confidential;

(*b*) if and so long as its disclosure would, by revealing information to a competitor of the third party, be likely to cause significant damage to the lawful commercial or professional activities of the third party; or

(*c*) if it relates to organisational information of a voluntary organisation working for public interest.

(2) Information is not exempt under sub-section (1) if—

(*a*) it relates to the quality, suitability or safety of the goods or services supplied by the third party and the damage referred to in sub-section (1)(b) would be likely to result from the exercise of more informed choice by persons seeking to acquire those goods or services; or

(*b*) it consists of the results of any investigation carried out by, or any information supplied to, the public body concerning a public safety hazard.

(*3*) In this section, "public safety hazard" has the same meaning as in section 24.

(*4*) Information is not exempt under this section if the third party has consented to its disclosure to the requester.

(5) Notwithstanding anything contained in this section, a public body shall not refuse to disclose information which consists of the result of any investigation carried out by a public body where such information is used for promotional or advertisement purposes by the third party or by the public body itself.

Information of voluntary organisations.

26. Information of voluntary organisations is exempt if it pertains to research activity of the organisation disclosure of which will jeopardise the functioning of the organisation or the cause which it is pursuing or will cause grave and significant damage to another person.

Giving of notice to third parties.

27. (*1*) Where, in response to a request under section 10,

(*a*) a public body is considering giving access to a record containing personal information or commercial information of a third party, and

(*b*) it is reasonably practicable for it to determine the identity and address of the concerned third party, it shall, as soon as is practicable and in any case not more than 4 days after receiving the request, give notice to such a third party in writing by fastest means of communication.

(*2*) A public body shall not be required to give notice under sub-section (b) where—

(*a*) the aforesaid third party is the requester or has consented to the disclosure of the information to the requester; or

(*b*) the information has previously been made public.

(*3*) A notice under sub-section (1) shall—

(*a*) state that the public body is considering giving access to a record containing the information in question and describe that information;

(*b*) in the case of information relating to the personal affairs of the said third party, describe the provisions of section 23.

(*c*) in the case of information relating to the commercial or professional activities of the concerned third party describe the provisions of section 24;

(*d*) in case of information of voluntary organisation describe the provisions of section 26; and

(*e*) inform the concerned third party that it may, within five days of receipt of the notice, in writing, consent to the disclosure or may make written representations to the public body explaining why the information in the record is exempt.

(*4*) Within six days of the end of the period for making representations referred to in clause (d) of sub-section (3) the public body must decide whether or not to give access to the record or to part of the record, and give written notice of the decision to—

(*a*) the requester, and

(*b*) the third party concerned.

(*5*) (*a*) If the public body decides to give access to the record, the notice must include a description of third party concerned;

(*b*) within twenty days of the day on which notice was given but not earlier than eleven days of the date of notice, the public body concerned must give the requester access to the record containing the information unless, before the end of that period, the third party has complained to the Information Commissioner that the public body has decided to disclose information relating to his personal affairs or commercial activities.

(*6*) Where a complaint has been made to the Information Commissioner under clause (b) of sub-section 5, the concerned third party shall notify the concerned public body in writing within ten days of the day on which the notice under sub-section (4) is given, that such a complaint has been made, and the said public body shall not give access to such information until such time, as the Information Commissioner has notified it of the outcome of the complaint.

(*7*) Where a public body—

(*a*) has not been able to determine the identity and address of the relevant third party and, as a result, has not given a notice referred to in sub-section (1), and

(*b*) is of the opinion that personal information or information relating to such third party's commercial activities is not exempt under the provisions of sub-section (1) of section 25, it shall notify the Chief Information Commissioner accordingly, within four days of the date of request and shall not give access to the record containing the information without the consent of the Commissioner.

(*8*) In this section, "the concerned third party" means the person from whom the information was obtained and/or to whom the information relates'.

CHAPTER V

REVIEW OF DECISIONS

Request for internal review.

28. (*1*) A requester who has made a request to a public body under section 10 may request such a body for effective internal review of any decision of the body.

(*a*) a failure by the public body to comply with any provision of this Act, or

(*b*) unreasonable behaviour by the public body in the exercise of any discretion under this Act.

(*2*) A request under sub-section (*1*) shall—

(*a*) be made in writing to the concerned public body;

(*b*) specify the decision in respect of which internal review is sought; and

(*c*) be made within sixty days of the day on which the person making the request first had notice of the decision.

(*3*) Notwithstanding anything contained in this chapter, no person shall be denied the right to approach the Information Commissioner directly with respect to any complaint under this Act.

Review by the public body.

29. (*1*) A public body to whom a request for internal review under the provisions of section 28 has been made shall review the decision to which the request relates and shall, within fourteen days of such a request—

(*a*) confirm that decision or substitute a new decision for it;

(*b*) notify the requester accordingly, stating its reasons; and

(*c*) notify the requester of the procedure for complaining to the Information Commissioner under section 10 of the Act.

(2) For the purposes of this section, "decision" includes any act of, or any failure to act by, the public body.

(3) The requester will have a right to be heard by public body to whom request for internal review is made.

(4) The official of the public body to whom request is made under section 10 shall not review the decision.

CHAPTER VI

COUNCIL FOR ACCESS TO INFORMATION

Central Council for Access to information.

30. (1) The Central Government may, by notification, establish with effect from such date as it may specify in such notification, a council to be known as Central Council for Access to Information (hereinafter referred to as the Central Council).

(2) The Central Council shall consist of the following members, namely:

(a) the minister in charge of the Home Ministry of the Central Government, who shall be its chairman, and

(b) such number of other official or non-official members representing such interests as may be prescribed in the rules.

Procedure of the Central Council.

31. (1) The Central Council shall meet as and when necessary, but at least two meetings of the council shall be held every year.

(2) The Central Council shall meet at such time and place as the chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed in the rules.

Objects of the Central Council

32. The objects of the Central Council shall be to promote and protect the rights of persons such as:

(a) right to be assured that every request for access to a public record shall be respected;

(b) right to be assured that no such request shall be wrongfully denied by a public body;

(c) right to be assured that accurate, reliable and authentic records shall be available;

(d) right to have access to and correction of one's personal records;

(e) right to be assured that one's personal record or records relating to one's commercial activities or information of voluntary organisation shall not be disclosed to others, except as otherwise provided in this Act;

(f) right to be heard and to be assured that every person's interest will receive due consideration at the Tribunal;

(g) right to seek redressal against wrongful withholding of records by a public body or the wrongful disclosure of personal records;

(h) right to be educated about health and environmental hazards so as to protect and promote human rights and environmental interests;

(i) right to be informed about various schemes for the uplift of the disadvantaged class of people.

The State Council for Access to information.

33. (1) The State Government may, by notification, establish with effect from such date as it may specify in such notification, a Council to be known as Council for Access to information (hereinafter referred to as the State Council).

(2) the State Council shall consist of the following members, namely:—

(a) the Minister in charge of the Home Ministry in the State Government who shall be its chairman;

(*b*) such number of other official or non-official members representing such interests as may be prescribed in the rules.

(*3*) The State Council shall meet as and when necessary but not less than three meetings shall be held every year.

(*4*) The State Council shall meet at such time and place as the chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed in the rules.

Objects of the State Council.

34. The objects of every State Council shall be to promote and protect within the concerned State the rights of persons laid down in section 32.

CHAPTER VII

OFFICE AND POWERS OF CHIEF INFORMATION COMMISSIONER AND INFORMATION COMMISSIONERS

Appointment of Chief Information Commissioner.

35. The Chief Information Commissioner shall be appointed by State Government on the recommendation of Selection Committee referred to in section 60 of this Act.

Qualifications for appointment of Chief Information Commissioner.

36. A person shall not be qualified for appointment as Chief Information Commissioner unless he—

(*i*) is or has been a District Judge; or

(*ii*) has for at least 2 years held office of the Information Commissioner; or

(*iii*) has for at least 5 years held the post of a secretary in legal department, Government of India or any State Government.

Jurisdiction.

37. The Chief Information Commissioner shall have jurisdiction over the functioning of Information Commissioners in the State and administrative and supervisory functions.

Functions.

38. The Chief Information Commissioner shall discharge the functions enumerated hereunder—

(*i*) to facilitate publication of records as provided in Appendices I and II,

(*ii*) to ensure availability of records as provided in Appendices I and II at reasonable cost,

(*iii*) to ensure proper maintenance and indexing of records,

(*iv*) to frame rules for the functioning of Information Commissioner,

(*v*) to submit annual report of its working to the legislature,

(*vi*) to recommend changes that it may deem necessary for its proper functioning,

(*vii*) to lay before the State Legislature such reports that may be demanded of it,

(*viii*) to perform such other functions so as to give effect to provision of this Act.

Powers of Chief Information Commissioner

39. The Chief Information Commissioner shall have—

(*i*) original powers of Information Commissioner to dispose of the complaint under section 43 of this Act.

Explanation:— If any vacancy arises in the office of the Information Commissioner for any reason whatsoever the Chief Information Commissioner shall dispose of such complaints till the vacancy is filled.

(*ii*) Supervisory and administrative control over all the Information Commissioners in the State in the following matters namely:—

(*a*) calling for periodical returns regarding the institution, disposal, pending of cases,

(*b*) issuance of instructions regarding adoption of uniform procedures in the hearing of matters, furnishing of documents filed before Information Commissioner to parties in English or regional languages speedily as requested by parties,

(*c*) generally overseeing the functioning of the Information Commissioner to ensure that the objects and purposes of the Act are best served without any way interfering with their quasi judicial freedom.

(*iii*) Power to transfer a complaint filed before one Information Commissioner to another Information Commissioner if:—

(*a*) the Information Commissioner does not have the jurisdiction to dispose of the complaint; or

(*b*) if the Information Commissioner has interest in the subject matter of the complaint.

(*iv*) the same powers as are vested in a civil court under the Code of Civil Procedure (1908) while trying a suit in respect of the following matters:—

(*a*) the summoning and enforcing attendance of any defendant or witness and examining the witness to all;

(*b*) the discovery and production of any document or other material object producible as evidence;

(*c*) the reception of evidence on affidavits;

(*d*) issuing of any Commissioner for the examination of any witness;

(*e*) any other matter which may be prescribed.

Appointment of Information Commissioner.

40. The Chief Information Commissioner of the State shall appoint at least one Information Commissioner in each district on the recommendations of the Selection Committee referred to in section 60 of this Act:

Provided that more than one Information Commissioner may be appointed by the Chief Information Commissioner in a district, if necessary, to discharge and to fulfill the purposes and objects of this Act.

Qualifications for appointment of Information Commissioner.

41. A person shall not be qualified for appointment as an Information Commissioner unless he—

(*i*) is or has been or is eligible to be a District Judge; or

(*ii*) has at least three years' experience as a deputy collector; or

(*iii*) has for at least three years held the post of a secretary in the Legal Department of the Government of India or any State Government.

Jurisdiction.

42. An Information Commissioner shall have jurisdiction to entertain complaints filed against a public body situated within the limits of the district.

Powers of Information Commissioner.

43. The Information Commissioner shall, in the disposal of any proceedings before it, have the powers of Civil Court as specified in Section 39.

Limitation.

44. Complaint under section 43 should be filed within one year from the date on which a request made to a public body under the provision of this Act is denied:

Provided where a request is made under section 28 for internal review the period of one year shall commence from the date on which the order of the public body reviewing the request is passed.

Procedure or receipt of a complaint.

45. (*1*) An Information Commissioner on receipt of a complaint shall refer a copy of the complaint to the public body mentioned in the complaint, directing it to give its version of the case within a period of ten days or such extended period not exceeding fifteen days as may be granted by the Information Commissioner;

(*2*) Where the concerned public body on receipt of a complaint referred to it under section 1 denies or disputes the allegations contained in the complaint or omits or fails to take any action to represent its case within the time given by the Information Commissioner, the Information Commissioner shall proceed to settle the complaint in the manner it deems fit.

(*3*) In exercising its power under Sub-section 2 the Information Commission shall take into consideration the decision of the internal review committee, referred to in Section 29 if the matter has first been referred to the Review Committee.

Findings of the Information Commissioner.

46. (*1*) If an Information Commissioner determines that, under this Act, the concerned public body is required to give access to a record or a part of it, the Information Commissioner must ask such a public body to give the requester access to the record or the part of it, subject to any conditions the Information Commissioner considers appropriate.

(*2*) If an Information Commissioner determines that under this Act, the concerned public body is required to refuse access to a record or part of it, it must order such a public body not to give access to the record or the part of it.

(*3*) If an Information Commissioner determines that under this Act, the concerned public body is required to correct the personal records or a part of it, it must order such a public body to correct the record or part of it.

(*4*) If an Information Commissioner determines that under this Act, the concerned public body is not required to correct the personal records or a part of it, it must order such a public body not to correct the record or part of it.

(*5*) Subject to the foregoing provisions, the procedure relating to the conduct of the proceeding by the Information Commissioner shall be such as may be prescribed by the rules.

(*6*) If after proceedings conducted under the provisions of section 45, the Information Commissioner is satisfied that any of the allegations contained in the complaint is proved, it shall issue an order.

(*a*) providing compensation for loss or injury caused to a requester due to non-disclosure of records by a public body or to a third party due to disclosure of personal/ commercial information;

(*b*) granting appropriate interim relief;

(*c*) issuing interim injunctions;

(*d*) awarding punitive damages against public body, if the officials are guilty of unconscionable conduct, lack of good faith and unfair dealing in the course of implementation of this Act;

(*e*) giving such other relief in deserving cases as Information Commissioner thinks appropriate;

(*f*) providing for adequate costs to the parties.

Burden of proof.

47. (*1*) In any proceedings before an Information Commissioner, the burden of establishing that access to a record or part of a record should not be given shall be on the public body which holds the record. Except where the proceedings relate to information which is claimed to be exempt under the provisions of section 17 when the burden shall be on the requester to establish that disclosure of information would not be contrary to this Act.

(2) Where proceedings relate to information which is claimed not to be exempt under the provisions of section 17, it is up to the party to establish that the requester has no right of access under this Act to the record or a part thereof.

Decisions of the Information Commissioner.

48. (*1*) At the conclusion of a complaint an Information Commissioner

(*a*) may make an order requiring the public body to take such action as it deems necessary, within such period of time as may be specified in the order;

(*b*) shall give notice of its findings, stating its reasons and enclosing a copy of any order which it has made to the requester, the public body and any other person who made representations to an Information Commissioner.

(*2*) Every proceeding before an Information Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of Indian Penal Code and the Information Commissioner shall be deemed to be a Civil Court for the purpose of section 195 of Chapter XXVI of Code of Criminal Procedure, 1973. 45 of 1860. 2 of 1974.

Finality of orders of Chief Information Commissioner and Information Commissioner.

49. Every order of the Chief Information Commissioner and an Information Commissioner shall, if no appeal has been preferred against such an order under the provisions of this Act, be final.

Enforcement of order of Chief Information Commissioner and Information Commissioner.

50. Every order made by Chief Information Commissioner and an Information Commissioner may be enforced in the same manner as if it were a decree or order made by a Court in a suit pending therein and it shall be lawful for the concerned Chief Information Commissioner or an Information Commissioner to convey in the event of its inability to execute it, such an order to the Court within the local limits of whose jurisdiction—

(*i*) the complaint ordinarily resides or carries on business or works for personal gain; or

(*ii*) the public body against which the complaint was made is situated.

Terms and Conditions of service of Information Commissioners.

51. (*1*) The Chief Information Commissioner and an Information Commissioner shall hold office as such for a term of five years from the date of appointment:

Provided that the Chief Information Commissioner and an Information Commissioner shall be eligible for appointment for a second term:

Provided further that Chief Information Commissioner or an Information Commissioner shall not hold office after he has attained the age of 70 years.

(*2*) The terms and conditions of service, including remuneration of the Chief Information Commissioner or an Information Commissioner, shall not be varied to their disadvantage during their tenure of office:

Provided that the remuneration of Chief Information Commissioner or an Information Commissioner shall be fixed by the State Government on the recommendation of Selection Committee referred to in section 60 of this Act.

Vacancy.

52. If any vacancy arises in the office of the Chief Information Commissioner or an Information Commissioner owing to absence, illness or any other cause the State Government shall immediately fill the vacancy.

Explanation: The State Government shall maintain a panel of Chief Information Commissioners and Information Commissioner for the purpose of filling the vacancy as and when it arises.

Registration and removal.

53. (*1*) The Chief Information Commissioner or an Information Commissioner may, by three months' notice in writing addressed to the State Government, resign his office.

(2) The Chief Information Commissioner or an Information Commissioner shall unless permitted by the State Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice.

(3) The Chief Information Commissioner or an Information Commissioner shall not be removed from his office except by an order of the Governor passed after an address by Assembly supported by a majority of total membership of the Assembly and by a majority of not less than two-thirds of the members of assembly present and voting and has been presented to the Governor in the same session for such removal on the ground of proved misbehaviour or incapacity.

Salaries and allowances and other terms and conditions of service of Chief Information Commissioner and Information Commissioners.

54. The salary and allowances payable to and other terms and conditions of services including pension, gratuity and other retirement benefits of the Chief Information Commissioner and an Information Commissioner shall be such as may be prescribed by the State Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chief Information Commissioner and an Information Commissioner shall be varied to his disadvantage after his appointment.

Staff of office of the Chief Information Commissioner and Information Commissioner.

55. (1) The State Government shall determine the nature and categories of the officer and other employees required to assist Chief Information Commissioner and an Information Commissioner to discharge his duties and powers as it may deem fit.

(2) The salaries and allowances and conditions of service of the officers and other employees of the office shall be such as may be prescribed by rules made by the State Government.

(3) The State Government shall provide adequate infrastructure to the Chief Information Commissioner and an Information Commissioner to discharge the powers, functions and duties conferred under this Act.

Dismissal of frivolous, vexatious or malicious complaint.

56. Where a complaint instituted under section 43 or appeal filed under section 61 is found to be malicious, frivolous or vexatious, the Chief Information Commissioner or an Information Commissioner or State Information Tribunal as the case may be for reasons to be recorded in writing dismiss the complaint or appeal.

CHAPTER VIII

TRIBUNAL

Establishment of State Information Tribunal.

57. The State Government shall by notification establish an Information Tribunal (hereinafter to be referred to as State Information Tribunal) for the purposes of this Act.

Composition of Tribunals.

58. (1) The State Information Tribunal shall consist of a Chairman, a Vice-Chairman and three other members of whom one shall be a woman.

(2) Subject to the other provisions of this Act, the State Information Tribunal shall be presided over by the Chairman and in the absence of Chairman, by the Vice-Chairman.

(3) No proceedings of the State Information Tribunal shall be conducted without the presence of the Chairman or the Vice-Chairman.

(4) The quorum to constitute a meeting of the State Information Tribunal shall be three members.

Qualifications for appointment of Chairman, Vice-Chairman and other members.

59. (1) A person shall not be qualified for appointment as the Chairman unless he—

(a) is, or has been, a judge of a High Court or,

(b) has, for at least two years, held the office of the Vice-Chairman.

(2) A person shall not be qualified for appointment as the Vice-Chairman, unless he—

(a) is eligible to be a Judge of a High Court, or

(*b*) has for at least two years, held the post of a Registrar of a High Court.

(*3*) A person shall be qualified for appointment as a Member if he is a person who is of ability, integrity and standing and has adequate knowledge or experience in dealing with problems relating to media, communication, law, administration, public affairs or industry.

Appointment of Chairman, Vice- Chairman and Members of State Information Tribunal.

60. (*1*) The Chairman, Vice-Chairman and members of tribunal shall be appointed by the State Government on the recommendation of the selection committee.

(*2*) The selection committee shall consist of:

(*i*) the Chairman of State Council;

(*ii*) Secretary of Home Ministry of State Government;

(*iii*) a Nominee of Chief Justice of High Court; and

(*iv*) other two members of whom one shall be a woman representing public interest group selected from the Central Council for access to information.

Jurisdiction of State Information Tribunal.

61. Subject to the other provisions of this Act, the State Tribunal shall have jurisdiction,—

(*a*) to entertain appeals against the orders of Chief Information Commissioner or any Information Commissioner;

(*b*) to call for the records and pass appropriate orders, in any dispute under this Act, which is decided by any Information Commission where it appears to the State Information Tribunal that such Information Commissioner or Chief Information Commissioner has exercised a jurisdiction not vested in him by law or has failed to exercise a jurisdiction so reserved or has acted in the exercise of his jurisdiction illegally or with material irregularities.

Powers of State Information Tribunal.

62. The State Information Tribunal shall in the disposal of any proceedings before it, have

(*a*) the power of a civil court as specified in sub-section (*4*) of Section 39;

(*b*) the power to issue an order to a public body directing it to do any one or more of the things referred to in sub-sections (*1*) and (*2*) of section 46 and follow such procedure as may be prescribed by rules, including the power to set aside the orders of the Information Commissioner and the Chief Information Commissioner.

Limitation for appeal.

63. The appeal against the order of Chief Information Commissioner or an Information Commissioner shall be made within sixty days of receipt of the order.

Terms and conditions.

64. (*1*) The Chairman, Vice-Chairman and members of Tribunal shall hold office as such for a term of five years:

Provided that the Chairman, Vice-Chairman and members of the Tribunal shall be eligible for appointment for a second term :

Provided further that no Chairman, Vice-Chairman or member shall hold office after he has attained seventy-five years of age.

(*2*) The terms and conditions of service, including remuneration of Chairman, Vice-Chairman and members, shall not be varied to their disadvantage during the tenure of office:

Provided that the remuneration of Chairman, Vice-Chairman and member shall be fixed by State Government on the recommendation of Selection Committee referred to in section 60 of this Act.

(*3*) The terms and conditions of service of staff of State Information Tribunal shall be the same as those of staff of Chief Information Commissioner and Information Commissioner referred to in Section 55 of this Act.

Resignation, removal and vacancy.

65. (*1*) The Chairman, Vice-Chairman and members may resign from the office by giving 3 months notice in writing to Central Government.

(*2*) The Chairman, Vice-Chairman and members of State Information Tribunal shall not be removed from office except by an order of the Governor passed after an address of the Assembly supported by a majority of total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting has been presented to the Governor in the same session for removal on the ground of proved misbehaviour or incapacity.

(*3*) If any vacancy arises in the office of Chairman, Vice-Chairman or members of State Information Tribunal, the State Government shall fill the vacancy immediately:

Provided that the State Government shall maintain a panel of Chairman, Vice-Chairman and members for this purpose.

Vice-Chairman to act as Chairman or to discharge his functions in certain circumstances.

66. (*1*) In the event of the occurrence of any vacancy in the office of the Chairman by reason of his death, resignation or otherwise, the Vice-Chairman, until the date on which Chairman's appointment is made in accordance with the provisions of this Act to fill such vacancy, shall continue to discharge the functions vested in the Chairman.

(*2*) When the Chairman is unable to discharge his functions owing to absence, illness or any other cause, the Vice-Chairman shall discharge the functions of the Chairman until the date on which the Chairman resumes his duties.

Finality of order of State Information Tribunal.

67. Every order the State Information Tribunal shall be final and no further appeal shall lie.

Enforcement of order of State Information Tribunal.

68. The order of the State Information Tribunal shall be enforced in the same manner as the order of Chief Information Commissioner and an Information Commissioner.

Penalties.

69. (*1*) Any person, who destroys, disfigures, deletes, obscures or otherwise tampers with a record or part of a record held by a public body which is required to be preserved under the provisions of section 5, and thereby adversely affects a person's right to quick access to accurate information, is guilty of an offence and liable on conviction or indictment to imprisonment of a term not exceeding six months or a fine, or both.

(*2*) A person charged with an offence under sub-section (*1*) will have to prove beyond reasonable doubt that at the time of the alleged offence he did not know, and could not have known with reasonable care and caution that the record was one to which the provisions of section 5 apply.

(*3*) Where a public body against whom a complaint is made or as the case may be by the State Tribunal, the person responsible for withholding the information against such an order, or disclosing personal or commercial information ordered by the Tribunal to be withheld, shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to three years, or with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees, or with both:

Provided that the concerned Tribunal may, if it is satisfied that the circumstances of the case so require, impose a sentence of imprisonment or fine, or both, for a term less than the minimum term and the amount less than the minimum amount specified in this section.

(*4*) For the purpose of executing the orders, the provision of Sections 418 to 422 of the Code of Criminal Procedure 1973 shall, with such modifications as may be necessary, be applicable and the Tribunal shall be deemed to be the Court of passing the sentence.

2 of 1974

Advocates not to appear before Information Commissioner, Chief Information Commissioner and Tribunals.

70. Advocates shall ordinarily not be permitted to be engaged for any proceedings before the Information Commissioner, Chief Information Commissioner and Tribunal:

Provided that a party to a suit may be permitted to engage an advocate if—

(*i*) the complainant has engaged an advocate;

(*ii*) with the consent of the complaint; or

(*iii*) if the Tribunal desires their appearance due to legal complexities of the case for reasons to be recorded in writing and with the permission of the complainant.

Exclusion of writ jurisdiction of the High Court.

71. The decisions of the Tribunal shall be, under Article 323B of the Constitution of India and excluded from writ jurisdiction of the High Court.

CHAPTER IX

MISCELLANEOUS

Immunity to Chief Information Commissioner, Information Commissioner and members of Tribunal and their staff for acts done in good faith.

72. No suit, prosecution or other legal proceedings shall lie against the Chief Information Commissioner, an Information Commissioner, Members of the Tribunal or any officer or person acting under the direction of the Chief Information Commissioner, an Information Commissioner or a Tribunal for executing any order made by it or in respect of anything which is in good faith done or intended to be done by such member, officer or person under this Act or under any rule or order made thereunder.

Immunity to public interest groups for acts done in good faith.

73. No suit, prosecution or other legal proceedings shall lie against any requester or voluntary consumer organisations or public interest groups or members thereof taking up activities or cases for protecting human rights, interests of consumers, disadvantaged groups of people or environmental interests, in respect of anything which is, in good faith, done or intended to be done by such organisation or member under this Act or under any rule or order made thereunder.

Power to remove difficulties.

74. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty; provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

Constitution of a Central Data Bank.

75. (*1*) **Where data relating to the creditworthiness of persons is held by several credit institutions at a time, such data in respect of each person shall be collected and maintained by a Central Data Bank to be constituted by the Central Government.**

(2) Any person may, by making a request in writing to such a data bank, obtain information about his own creditworthiness, in a meaningful and effective manner by paying such fees as may be prescribed by Central Government for the purpose.

Repeal of Official Secrets Act 1923.

76. The Official Secrets Act 1923 is hereby repealed.

Power to make rules.

77. (*1*) The Central Government may, by notification make rules for carrying out the provisions of sections 30(2), 31 and 75 of this Act and any other rules for carrying out the provisions of this Act.

(2) The State Government may by notification make rules for carrying out the provisions in Sections 15, 33, and 55 of this Act and any other rules to carry out the provisions of this Act.

Laying of rules.

78. (*1*) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made before each House of the Parliament, while it is in Session for a total period of thirty days which may be comprised in one session or two or more successive sessions and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree to making any modification in the rule of both Houses agree that the rule should not be made the rule shall thereafter have effect only in modified form or be of no effect, as the case may be, however, that any such modification or annulment shall be without prejudice to the validity of anything do the previously under that rule.

(2) Every rule made by the State Legislature shall be laid as soon as may be after it is made before State Legislature.

CHAPTER X

COMMUNITY RIGHT TO KNOW

Duty of Industry to disclose.

79. (*1*) The State Government shall, within three months of the enactment of this Act, publish a list of hazardous substances as notified under Environment Protection Act 1986.

(2) The State Government may by notification in the official Gazette, add from time to time hazardous substances to this list such as it may deem necessary.

(*3*) (*i*) The list prepared by the State Government under sub-section (*1*) shall also mention the threshold quantity of each hazardous substance specified therein.

(*ii*) The threshold quantity of a hazardous substance is the limit beyond which the production, storage, transportation, use or emission of the substance would be hazardous to the health or life of the community or to the environment.

(*4*) The threshold quantity of each hazardous substance shall be determined under sub-section (2) after taking into account the toxicity, reactivity, volatility, 'dispersibility', combustibility, or flammability of such hazardous substance.

(*5*) The list prepared under sub-section (2) shall be made available by the State Government to any person on request and shall also be made available to each industry.

(*6*) The list prepared by a State Government under sub-section (1) as well as the threshold quantities determined under sub-section (3) may be revised by the concerned State Government from time to time, taking into consideration the criteria laid down in sub-section (4).

(*7*) (*i*) Each industry shall, at the beginning of each year, bring out a publication containing identification of the routes that are likely to be used for transportation of the hazardous substances, identification of the places where they may be stored or used as well as identification of the areas and communities that are likely to be affected in case of any accidental release of the substances or any hazard relating to the substance.

(ii) The publication under clause (i) shall also contain a description of the emergency equipments maintained by the industry as well as the procedure and measures to be adopted by the industry in case of an emergency or accident relating to the use, production, storage, transportation or release of the hazardous substances.

(iii) The publication under clause (i) shall also contain a description of the antidote measures to be adopted by the industry in case of an accident or hazard in such an industry.

(*8*) Every industry shall, at the end of each year, publish a list containing a description of the names and quantities of hazardous and substances that had been produced, transported, stored, used or released into the environment, whether routinely or accidentally during that year, by such an industry, where such quantities exceed the threshold limits determined under sub-section (3).

(*9*) Every publication under sub-sections (7) and (8) shall be supplied by the industry to any person on request as well as to the concerned State Government.

(*10*) If release of a hazardous substance in excess of the threshold quantity occurs from an industry at which such a substance is produced, used or stored or where any hazard or accident takes place in such an industry, then the owner or operator of the concerned industry shall immediately notify the communities that may be adversely affected by such hazard or release, as the case may be, of the measures that may be adopted by them to protect themselves against the adverse effects of such release.

(*11*) In the event of any accident or hazard in an industry caused by the production, storage, transportation, use or emission of any hazardous substances in excess of the threshold quantities laid down in sub-section (3), the concerned industry shall be liable to undertake antidote measures for safeguarding the environment against damage or destruction as well as the health and lives of the community.

(*12*) Each industry shall be required to appoint a particular day in each week when the public shall be entitled to visit the site of the industry and to scrutinize the production processes, the storage and transport facilities as well as the emergency equipments maintained by the industry.

(*13*) Any person or the State Government, as the case may be, may make a complaint to an Information Commissioner, if the provisions of this Act have not been complied with by an industry.

Appendix I
[*See* section 6(1)]

	Records	Outlets	Language
1.	Records of Central Government	A centre notified by Central Government in each district and Concerned Government Department and Tribunal	English and Hindi
2.	Records of Central Government in regional languages	A centre notified by Central Government in each district and Concerned Government Department and Tribunal	Regional language
3.	Records of State Government	A centre notified by State Government, Concerned Government Department and Tribunal	English and Regional language
4.	Records of Union Territory	A centre notified by the Government of Union territory, Government Department and Tribunal	Local language and Regional Language

Appendix-II
[*See* **Section 6(2)**]

	Records	Outlets	Language
1.	The Welfare Schemes, guidelines, direction, circulars, resolutions of Central Government	A centre notified by Central Government, concerned department	English and Hindi
2.	The Welfare Schemes, guidelines, direction circulars, resolutions of Central Government in regional language	A centre notified by State Government, concerned department and Tribunal	Regional language
3.	The Welfare Schemes guidelines, direction circulars, resolutions of State Government	A centre notified by State Government, concerned department and Tribunal	Regional language
4.	The Welfare Schemes, guidelines, direction circulars, resolutions of Union Territory	A centre notified by Union Territory Administration	Regional language
5.	Acts, rules, regulations, bye laws relating to colleges, university	At the school, college or university as the case may be	English and regional language
6.	Jail manuals, rules, laws, etc.	At prisons and concerned courts	English and regional language
7.	Records of specific information on legal rights of patients in respect of medical facility/services given at the hospital	At the hospital	English and regional language

STATEMENT OF OBJECTS AND REASONS

Debate about the right to information is going on in the country and slowly every political party has realised the need to accept the right to information. This is only possible if such a right can be given to every citizen of India by an appropriate Legislation by Parliament.

Such a right will bring the required transparency in the administration and help creating value-based politics and clean administration which are basic ingredients of a healthy democracy.

The Bill seeks to provide the people with a legal Right of Access to Information about the Governments—Central, State as well as local, Government instrumentalities, and all other bodies falling within the definition of State, under Article 12 of the Constitution of India as well as vital public services like banking, insurance, transport, etc. It also seeks to provide people with a legal right to obtain and to correct their personal records held by such bodies, and for the aforesaid purposes, it seeks to make provisions for the constitution of Information Commissioners in each District, Chief Information Commissioner in each State, as well as establishment of quasi-judicial Tribunal for the settlement of disputes relating to Access to Information and for matters connected therewith.

The Bill further seeks, *inter alia*, to make the Governments, their undertakings as well as public services like transport, banking, insurance, etc. more accountable to the public by—

(a) giving the public a right of access to records, and

(b) specifying limited and specified exemptions to the right of access.

The Bill also confers a right on persons to have access to personal records in the custody or control of such bodies defined as public bodies under the Act and to correct such records, where they are inaccurate.

It also seeks to enable public to seek information about industries specially dealing with hazardous substances.

The Bill in short seeks to make right to information a legal right.

NEW DELHI;
February 7, 1997.

SANAT MEHTA

Notes on Clauses

Clause 1 Provides for the extension of the Act to the whole of India except Jammu and Kashmir.

Clause 2 Lays down the definitions.

Clause 3 Provides for the scope of the Act.

Clause 4 Prescribes that the right of access to records shall override any other provision of law denying access to records.

Clause 5 Provides for the maintenance and regular indexing by public bodies of all legislations, reports and records specified therein.

Clause 6 Provides for the mandatory publication of all legislations, by-laws, manuals, rules and regulations and welfare schemes, guidelines, directives, circulars, resolutions, of the Government, whether Central State or local and availability of the same at adequate outlets and reasonable prices.

Clause 7 Provides for computerisation of all records of the Government and connection of the same through networks.

Clause 8 Lays down the duty of the public bodies to assist all requesters under the Act.

Clause 9 Provides for the extension of the right of access to all persons, not being alien enemies.

Clause 10 Lays down the procedure for requesting access to information.

Clause 11 Provides for transfer of requests from one public body to another where the records are held by or are more closely related to the work of such other public body.

Clause 12 Lays down the procedure and time-limit for responding to a request for access to record.

Clause 13 Provides for extension of time-limit for responding to a request for access to a record.

Clause 14 Provides for the various forms in which access to a record may be requested and given.

Clause 15 Prescribes the fees to be paid for inspection of and/or for obtaining copies of the records requested and also provides for waiver of fees under circumstances mentioned therein.

Clause 16 Provides for the right of a requester to obtain information about himself held by a public body and to correct such information where it is inaccurate.

Clause 17 Provides for non-disclosure of exempt information as well as the procedure to be followed by a public body when withholding such exempt records.

Clause 18 Provides for non-disclosure of information relating to the aid and advice to the Government.

Clause 19 Provides for non-disclosure of information where disclosure is likely to cause grave and significant damage to the country or to any of its States or territories.

Clause 20 Provides for non-disclosure of information where disclosure is likely to cause grave and significant damage to lawful activities of security services.

Clause 21 Provides for non-disclosure of information where such disclosure is likely to cause grave and significant damage to the conduct of international relations.

Clause 22 Provides for non-disclosure of information where such disclosure is likely to cause grave and significant damage to law enforcement activities.

Clause 23 Provides for non-disclosure of information involving the invasion of the privacy an identifiable individual.

Clause 24 Provides for non-disclosure of information where such disclosure is likely to cause grave and significant damage to the economic or commercial affairs of a public body. It also lays down circumstances where such disclosure is permitted.

Clause 25 Provides for non-disclosure of information where such disclosure is likely to cause grave and significant damage to the lawful commercial or professional activities of a third party. It also provides for circumstances where such information is not exempt.

Clause 26 Provides for non-disclosure of information of voluntary organisation, if it is pertaining to research activities, etc.

Clause 27 Provides for notice to third parties.

Clause 28 Lays down the procedure of request for internal review of a decision by a public body.

Clause 29 Provides for review of decision by public body.

Clause 30 Provides for the establishment and composition of a Central Council for Access to information.

Clause 31 Provides for the procedure of the Central Council.

Clause 32 Lays down the objects of the Central Council.

Clause 33 Provides for the establishment and composition of the State Council for Access to Information.

Clause 34 Provides that the objects of the State Council shall be to promote and protect within the concerned State the rights of persons as laid down in the clause relating to the objects of the Central Council.

Clause 35 Provides for the appointment of the Chief Information Commissioner.

Clause 36 Provides for qualifications for appointment of Chief Information Commissioner.

Clause 37 Lays down the Jurisdiction of Chief Information Commissioner.

Clause 38 Lays down the functions of the Chief Information Commissioner

Clause 39 Lays down the powers of the Chief Information Commissioner.

Clause 40 Provides for the appointment of Chief Information Commissioner.

Clause 41 Provides for qualifications for appointment of Information Commissioner.

Clause 42 Provides for the jurisdiction of Information Commissioner.

Clause 43 Lays down the powers of the Chief Information Commissioner.

Clause 44 Lays down the limitations of time for filling the complaint to the Information Commissioner.

Clause 45 Provides for procedure on receipt of a complaint by Information Commissioner.

Clause 46 Lays down that the Information Commissioner shall make an order requiring the public body to take such action as he deems necessary.

Clause 47 Provides that the burden of establishing that a record is exempt under the Act will be on the public concerned.

Clause 48 Provides for the decision of the Information Commissioner.

Clause 49 Provides that an order of an Information Commissioner shall be deemed to be final it no appeal is preferred against such an order.

Clause 50 Provides for enforcement of orders by the Chief Information Commissioner and Information Commissioner.

Clause 51 Provides for Terms and conditions of service of Chief Information Commissioner and Information Commissioner.

Clause 52 Provides for arising of vacancy in the office of the Chief Information Commissioner and Information Commissioner.

Clause 53 Lays down the procedure of resignation and removal of Chief information Commissioner and Information Commissioner.

Clause 54 Provides for salaries and allowances and other terms and conditions of service of Chief Information Commissioner and Information Commissioner.

Clause 55 Provides for staff of office of the Chief Information Commissioner and Information Commissioner.

Clause 56 Provides for the dismissal of frivolous and/or malicious complaint.

Clause 57 Provides for establishment of State Information Tribunals.

Clause 58 Provides for the composition of State Information Tribunals.

Clause 59 Lays down the qualifications for appointment of Chairman, Vice-Chairman and other Members.

Clause 60 Provides for appointment of Chairman, Vice-Chairman and Members of State Information Tribunal.

Clause 61 Provides for the jurisdiction of the State Information Tribunal.

Clause 62 Lays down the power of State Information Tribunal.

Clause 63 Lays down the limitation for appeal.

Clause 64 Lays down the terms and conditions of service of Chairman, Vice-Chairman and other members.

Clause 65 Provides for the resignation and removal of the Chairman, Vice-Chairman and members.

Clause 66 Lays down that the Vice-Chairman to act as Chairman or to discharge his function in certain circumstances.

Clause 67 Provides that an order of State Information Tribunal shall be final.

Clause 68 Provides for enforcement of orders by the State Information Tribunal.

Clause 69 Provides for penalties in cases where any person fails to comply with any order of a Tribunal or destroys, disfigures or tampers with any record held by a public body and required to be preserved under the Act.

Clause 70 Provides that advocates would not ordinarily be permitted to appear before the Chief Information Commissioner, Information Commissioner and Tribunal except under certain circumstances specified therein.

Clause 71 Provides for the exclusion of the decisions of the Tribunal from the writ jurisdiction of the High Court.

Clause 72 Provides for immunity from prosecution to any member of the Tribunal, Chief Information Commissioner, Commissioner or other officer for any acts which in good faith is done or intended to be done by them under the Act.

Clause 73 Provides for immunity from prosecution to any requester including public interest groups for anything which in good faith is done by them under the Act.

Clause 74 Confers powers on the Central Government to make provisions for removal of any difficulty that may arise in giving effect to the provisions of this Act.

Clause 75 Provides for the constitution of a Central Data Bank for collecting and maintaining data relating to the credit worthiness of persons.

Clause 76 Provides for the repeal of the Official Secrets Act 1923.

Clause 77 Provides for power to make Rules by Central Government and State Government.

Clause 78 Provides for laying of rules.

Clause 79 Seeks to make provisions whereby industry will be obliged to disclose to the community information relating to its chemical releases, emergency preparedness, etc.

Appendices-I and II for outlets of records.

FINANCIAL MEMORANDUM

Clause 5 of the Bill seeks to make provisions for the maintenance, preservation and indexing of all Acts, public records, etc.

Clause 6 seeks to make provisions for publication and availability of all Acts, Rules and Regulations about Welfare Schemes, reports on official Committees etc. at various outlets throughout the country.

Clause 7 seeks to provide for computerisation of all records, legislations and connect them by a network throughout the country on different systems.

Clause 12 seeks to make provisions for responding to requests for access to information which would require each State and Union Territory to establish a network for responding to such requests.

Clause 30 provides establishment of Central Council for access to information by the Central Government.

Clause 75 seeks to make provisions for the constitution of Central Data Bank by the Central Government which shall maintain and complete data relating to creditworthiness of persons where such data is held by several credit institutions at a time.

The Bill, if enacted will involve expenditure from the Consolidated Fund of India. It is not possible to indicate at this state the exact expenditure that will be involved from the Consolidated Fund of India. However, it is estimated that a recurring expenditure of Rs. twenty crore per annum is likely to be involved. A non-recurring expenditure of rupees fifty crore is also likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill provides for prescription of reasonable fees by the Government for obtaining records from public bodies.

Clause 30 provides that the Central Council shall have such number of officials or non-officials as may be prescribed.

Clause 31 provides that the Central Council shall observe such procedure in regard to the transaction of business as may be prescribed.

Clause 33 provides that the State Council shall have such official or non-official members as may be prescribed.

Clause 37 provides that the State Council shall observe such procedure as may be prescribed.

Clause 55 provides for terms and conditions of services of office of the Chief Information Commissioner and Information Commissioners.

Clause 75 provides for prescription of fees for obtaining records from the Central Data Bank.

Clause 77 provides for Central Government to make rules for carrying out the provision of the Bill.

As rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 40 OF 1997

A Bill to amend the Prevention of Corruption Act, 1988.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Prevention of Corruption (Amendment) Act, 1997.

Amendment of section 2.

2. In the Prevention of Corruption Act, 1988 (hereinafter referred to as the principal Act), in section 2, in clause (*c*), after sub-clause (*i*), the following sub-clause shall be inserted, namely:— 49 of 1988

"(*ia*) any person who is, or has been, a member of either House of Parliament or a member of the Legislative Assembly or Legislative Council of a State;".

Amendment of section 19.

3. In section 19 of the principal Act, in sub-section (*1*), after clause (*b*), the following clause shall be inserted, namely:—

"(*ba*) in the case of a person who is, or has been,—

(*i*) a member of either House of Parliament, the President of India; and

(*ii*) a member of the Legislative Assembly or Legislative Council of a State, the Governor of that State;".

STATEMENT OF OBJECTS AND REASONS

The country has recently witnessed a series of financial scams and other economic offences in which some members of Parliament and State Legislatures are alleged to have been involved. A doubt has been expressed about the applicability of the Prevention of Corruption Act, 1988 to the members of Parliament and State Legislatures. At present, when the highest in the Executive and Judiciary fall within the purview of the Act, it is against the spirit of the Constitution to keep the persons elected to the Parliament or State Legislatures outside the purview of the Act. The matter needs to be put beyond any doubt.

Hence this Bill.

NEW DELHI;
February 11, 1997.

MEIRA KUMAR

BILL NO. 34 OF 1997

A Bill to provide for compulsory registration of religious conversions in India.

WHEREAS it is expedient to provide for registration of religious conversions in India for certain purposes;

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Compulsory Registration of Religious Conversions Act, 1997.

(*2*) It extends to the whole of India.

(*3*) This section shall come into force at once and the remaining provisions of the Act shall come into force within a period of one year from the date of publication of this Act in the Official Gazette, in such areas and on such dates which may be different for different areas as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act unless the context otherwise requires,—

(*a*) "conversion" or "religious conversion" or "change of faith" means the voluntary act of changing, converting, adopting or altering the religion of birth or faith or belief and mode of religious practice by any person who has completed the age of 18 years, by requisite religious rites, customary ceremony, legal citation or by any other form or manner, so prevailing in the Community, caste, society and includes re-conversion;

(*b*) "memorandum" means a memorandum of conversion provided for in section 5;

(*c*) "priest" means any person who solemnises conversion either under any religious authority or social sanction or custom;

(*d*) "Register" means a Register of Conversions maintained under this Act;

(e) "Registrar" means a Registrar of Conversions appointed under this Act;

(*f*) "Registrar-General" means the authority so appointed by the Central Government for the States of India and Union territories under this Act.

Appointment of Registrar-General and Registrars.

3. (*1*) **The Central Government may appoint a Registrar-General for each of the States and Union territories for purposes of this Act.**

(*2*) **The Central Government may appoint such number of persons as it thinks fit to be Registrars of Conversions for such local areas in a State or Union territory as it may specify from time to time.**

Every conversion to be registered.

4. After the date on which the provisions of this Act have been brought into force in any area as provided under sub-section (*3*) of section 1, Every conversion in such area shall be registered in the manner provided in section 5.

Memorandum of conversion.

5. (*1*) Every person proposing to change or alter the religion of his birth, or customary faith or religious practice by conversion to another religion or faith, on his own free will and by his voluntary choice, shall prepare and sign a memorandum in such form as may be prescribed by the Central Government and shall deliver or send by registered post the said memorandum in triplicate to the Registrar of the area 60 days Before the date of proposed conversion.

(*2*) The memorandum shall also be signed by the officiating priest, or head of the religious institution or the person who is authorised to perform the ceremony or rites at the time, date and place of conversion ceremony mentioned in the said memorandum.

(*3*) The memorandum shall be accompanied by a fee of rupees five.

Register of conversions and action on memorandum.

6. (*1*) **The Registrar shall maintain a register of conversions.**

(*2*) On receipt of the memorandum the Registrar shall file the same in the Register.

(*3*) The duplicate copy of the memorandum shall be sent to the Registrar-General, after the expiry of the period of 60 days, as provided under sub-section (*1*) of section 5, with the intimation of date, time and place of actual conversion as provided in sub-section (*3*) of section 7.

(*4*) The third copy of the memorandum shall be sent within 15 days from the date the memorandum is delivered to or received by the Registrar for information to the religious head, chief priest, community organisation, social body or recognised mission of the religion or faith from which or out of which the person proposes to seek conversion.

(*5*) The Registrar-General shall from time to time nominate such persons, priests, organisations, institutions, missions, etc. for that area or for the State or States or Union

territories to whom the information of conversion of the person referred to in sub-section (*1*) of section 5 has to be furnished.

Conversion when becomes complete.

7. (*1*) After the expiry of the period of 60 days as provided in sub-section (*1*) of section 5, the person presenting the memorandum shall be entitled to effect the act of conversion which shall be completed within a period of 45 days from the date of expiry of the 60 days' period.

(*2*) The person so converted shall deliver or send by registered post an intimation of conversion in such form as may be prescribed by Central Government, duly signed by himself, the officiating priest and three witnesses, to the Registrar.

(*3*) The Registrar shall, on receiving the intimation of conversion,—

(*a*) file the same in the register and make an entry of the conversion so effected;

(*b*) issue a certificate of conversion to the person presenting the memorandum; and

(*c*) send one copy of the memorandum with the entry of conversion to the Registrar-General as provided under sub-section (*3*) of section 6.

Register to be open to public inspection.

8. The Register maintained under this Act shall at all reasonable times be open to inspection and certified copies of extracts therefrom shall be given by the Registrar to any person who applies for the same on payment of a fee of rupees two for each such copy.

Non-registration not to invalidate conversion.

9. No conversion in any area or the State or Union territory to which this Act applies shall be invalid solely by reason of the fact that it was not registered under this Act or that the memorandum or the intimation of conversion was not delivered or sent to the Registrar or that such memorandum or intimation of conversion was defective, irregular or incorrect:

Provided that such conversion shall not be accepted as proof for any service under the Central or the State Government or otherwise and shall not entitle the person so converted to any benefits, reservation, special privilege, rights, scholarships and such other benefits as may be given by the Central or the State Government to a person of that particular religion to which the person claims to be converted, unless the certified copy of the conversion is produced.

Penalty for neglecting to comply with provisions of sections 5, 6 or 7 or for making false statement in memorandum.

10. Any person, who wilfully avoids or neglects to deliver or send the memorandum as required by section 5 and the intimation of conversion under section 7 or makes any statement in such memorandum or intimation of conversion which is false in any material particular and which he knows or has reason to believe it to be false, shall on conviction be punishable with fine which may extend to two hundred rupees.

Penalty for failing to file memorandum or intimation.

11. Any Registrar, who fails to file the memorandum pursuant to section 6 or the intimation of conversion under section 7, shall on conviction be punished with rigorous imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for secreting, destroying or altering register

12. Any person secreting, destroying or dishonestly altering the register or any part thereof shall, on conviction, be punished with imprisonment for a term which may extend to two years and shall also be liable to fine.

Registrar to be public Servant.

13. Every Registrar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860. 45 of 1860

Power to make rules.

14. (*1*) The Central Government may, by notification in the Official Gazette and subject to the conditions of previous publication, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the duties and powers of the Registrar;

(*b*) forms of the memorandum of conversion and the intimation of conversion, the forms and manner in which registers or records required to be kept by or under this Act shall be maintained;

(*c*) the custody in which the registers and records are to be kept and the preservation of such registers and records;

(*d*) provision to enable the Registrar to be present if, needed at the time of actual conversion.

(*3*) The Central Government may, by notification in the Official Gazette, maintain a list of religious heads, chiefs, priests, missions, recognised religious authorities, societies, etc. in the State as well as community organisations, social institutions or bodies of recognised castes, sects, faiths or communities to whom a copy of memorandum of conversion is to be sent as provided under sub-section (*4*) of section 6.

(*4*) Every rule, made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall, from the date of publication of a notification in the Official Gazette of such decision, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Compulsory Registration of Religious Conversions Bill, 1997 has been brought forward for the purpose of registering all the religious conversions in the country. Such a record or statistics of conversions would be of a great value for many purposes, such as at the time of census, social work, research, etc. Further, the Bill serves another valuable purpose *viz.* it will give the person seeking conversion a sufficient time to exercise his free will and take a voluntary decision. The Bill does not propose to interfere in any way with the right of every citizen to choose his own religion. Thus, the Bill is of great social importance and, therefore, necessary in larger public interest.

In recent times, religious conversions have taken place on "mass scale" under circumstances which leave doubts about those conversions being not voluntary nor out of free will nor a genuine change of faith. Such incidents can become a major problem of law and order or communal hatred or religious conflicts. The Bill honestly gives full right to every individual to choose his own religion and also sets out a method for registering it and make it foolproof against any undue compulsion like financial, social, political, domestic or educational, or inducement like job or any other such benefits and enticements. This Bill will thus, if enacted, serve a great social purpose and the current need of the time in the country.

NEW DELHI;
February 13, 1997.

KASHIRAM RANA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for appointment of Registrars General and Registrars in the States and the Union territories. Clause 6(1) provides for maintenance of registers by the Registrars. Appointment of these officers and their offices are likely to involve a recurring expenditure of about rupees fifteen lakh annually from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten lakh is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Government to make rules for carrying out the purposes of this Bill and in particular in regard to certain matters which include the duties and powers of the Registrar, the forms of memorandum of conversion and the intimation of conversion, the forms and manner in which registers or records are required to be maintained, the custody in which the registers and records are kept, and the provision to enable the Registrar to be present at the time of actual conversion. The matters in respect of which such rules may be made are matters of procedure or administrative details. The delegation of legislative power is thus of a normal character.

BILL NO. 32 OF 1997

A Bill to provide for declaration and public scrutiny of assets of Ministers and Members of Parliament.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Declaration and Public Scrutiny of Assets of Ministers and Members of Parliament Act, 1997.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "asset" includes all properties, both movable and immovable, held by the Ministers or Members or Parliament legally or in *benami;*

(*b*) "Constitution" means the Constitution of India;

45 of 1860.

(*c*) "Indian Penal Code" means the Indian Penal Code, 1860;

(*d*) "Library" means the Parliament Library;

(*e*) "Members of Parliament" include Members of Rajya Sabha (Council of States) and Lok Sabha (House of the People);

(*f*) "Ministers" includes the Prime Minister, Minister, Minister of State and Deputy Minister;

(*g*) "return" means the inventory of assets submitted to the Speaker;

(*h*) "Speaker" means the Speaker of Lok Sabha (House of the People).

Declaration of assets.

3. Every Minister and every Member of Parliament shall submit to the Speaker a return of all the assets possessed by him and his dependents within three months after swearing in as a member of either House under article 99 of the Constitution.

Annual returns.

4. It shall also be incumbent on the part of every Minister and every Member of Parliament to submit annual returns of the assets held by him and his dependents in the month of August every year and state the reasons for increase, if any, in their assets and the sources thereof.

Availability of returns to the public.

5. The Speaker after receiving the returns shall place them in the Parliament Library and true copy of a return shall be made available to any member of public on payment of a fee of rupees one hundred for every return to the Parliament Library.

Penalty for non-submission of returns.

6. If any Minister or Member of Parliament fails to submit the return in time, he shall cease to be a Member of Parliament and, where a Minister is not a Member of Parliament, he shall cease to be such a Minister.

Penalty for submission of wrong returns.

7. In case any return is proved to be false, the Minister or the Member shall be liable to perjury and be punishable under section 193 of Indian Penal Code. 45 of 1860.

STATEMENT OF OBJECTS AND REASONS

Corruption has been corroding the moral fibre of the nation. To root out corruption, the Ministers and Members of Parliament must set up an example of public morality which can be emulated by others.

The Bill seeks to achieve this objective.

NEW DELHI;
February 13, 1997.

KASHIRAM RANA

BILL No. 43 OF 1997

A Bill to provide for unemployment allowance to all educated unemployed persons and for matter connected therewith.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Unemployment Allowance Act, 1997.

(2) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Unemployment allowance.

2. The Central Government shall provide unemployment allowance to all educated unemployed youth at the rate of—

(*i*) rupees one thousand per month to those who have attained the age of seventeen years and have passed tenth class examination;

(*ii*) rupees one thousand five hundred per month to those who have attained the age of eighteen years and have studied upto higher secondary and above;

(*iii*) **rupees two thousand per month to those who posses technical qualifications in engineering, medicine, etc., or have some other professional qualification.**

Unemployment allowance to be paid till employment.

3. The unemployment allowance referred to in section 2 shall be paid to a person till he secures employment.

Repayment of unemployment allowance.

4. Every person who has been provided with unemployment allowance under provisions of this Act shall, on securing employment, repay the total unemployment allowance which he had received to the Government at the rate of—

(*i*) rupees fifty per month, if he was receiving unemployment allowance of rupees one thousand per month;

(*ii*) rupees one hundred per month, if he was receiving unemployment allowance of rupees one thousand five hundred per month; and

(*iii*) rupees one hundred fifty, if he was receiving unemployment allowance of rupees two thousand per month.

Power to make rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The number of unemployed youth is on the increase. The Government has failed to generate employment in the country. The unemployed youth have become restless and have started taking law into their own hands. They often fall victims to anti-social elements. Suicides by unemployed youth have also been reported in some cases.

The most unfortunate fact is that even those who posses technical qualifications like engineering, etc. face the same problem. Liberalisation of economic policy in the country has also failed to generate employment in the country. Therefore, it is absolutely necessary that the Government should come up with some schemes for providing employment or in the alternate provide relief to all unemployed persons till they secure employment. Although, the assistance sought to be given will not be sufficient for them but nevertheless it will be a great help and a source of confidence to them. It has also been provided that unemployed youth who get unemployment allowance shall have to repay back the allowance received by them to the Government after they secure employment.

The Bill seeks to achieve the above objective.

NEW DELHI;
13 *February*, 1997.

R. SAMBASIVA RAO

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for payment of unemployment allowance to all educated unemployed youth according to their qualification.

The Bill, therefore, if enacted will involve an expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees three hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of detail only.

The delegation of legislative power is of a normal character.

BILL NO. 33 OF 1997

A Bill further to amend the Deposit Insurance and Credit Guarantee Corporation Act, 1961.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Deposit Insurance and Credit Guarantee Corporation (Amendment) Act, 1997.

(*2*) It shall be come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 16.

2. In section 16 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961,— 47 of 1961.

(*i*) in sub-section (*1*),

(*a*) in the second proviso, for the words "one thousand and five hundred rupees", the words "five lakh rupees" shall be substituted;

(*b*) in the third proviso, for the words "one thousand and five hundred rupees", the words "five lakh rupees" shall be substituted; and

(*ii*) in sub-section (*4*), in clause (*b*) for the words "one thousand and five hundred rupees", the words "five lakh rupees", shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Under the provisions of the Deposit Insurance and Credit Guarantee Corporation Act, 1961, deposits in banks up to Rs. 1,500 are guaranteed by the Central Government. In pursuance of the power vested with the Deposit Insurance Corporation, the ceiling was enhanced from time to time. It was increased to rupees thirty thousand in 1980 and finally to rupees one lakh with effect from 1 May, 1993.

As a result of the securities scam which came to light in April 1992 and rocked the entire Banking system, two Banks *viz.* the Bank of Karad and the Metropolitan Cooperative Bank Limited were liquidated. Many pensioners, labour organisations like Mathadi workers, other social organisations, had their deposits with these two Banks. These persons lost their hard earned money as the insurance cover for bank deposits was very much limited.

Keeping in view the inflation and also to re-establish the confidence of the people in Banking system, it is necessary to increase the ceiling of insurance cover for deposits in banks upto rupees five lakh.

The Bill seeks to achieve the above object .

NEW DELHI;
February 19, 1997.

RAM NAIK

S. GOPALAN,
Secretary-General.